

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**In re: #990** )  
 )  
**GO FIG, INC., et al.,** ) **Case No. 08-40116-705**  
**Debtors.** ) **Chapter 7**  
 ) **(Substantively Consolidated)**

---

**ORDER GRANTING MOTION (I) TO AMEND GENERAL BAR DATE AND  
ESTABLISH NOTICE PROCEDURES RELATED TO THE AMENDED BAR DATE,  
AND (II) REQUESTING FINDINGS RELATED TO HIPAA AND SIMILAR LAWS AS  
THEY RELATE TO THE CONSOLIDATED ESTATE AND THE CLAIM PROCESS**

This matter comes before the Court on the Trustee’s Motion (I) to Amend General Bar Date and Establish Notice Procedures Related to the Amended Bar Date and (II) Requesting Findings Related to HIPAA and Similar Laws as They Relate to the Consolidated Estate and the Claim Process (the “Motion”);<sup>1</sup> the Court finding that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A),(B), and (O); and (iii) notice of the Motion and the Hearing was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. Under the specific facts of these bankruptcy cases only, the Court FINDS that the Consolidated Estate, the Trustee, and estate professionals are not “covered entities” or “business associates” for purposes of HIPAA and its and corresponding rules and regulations including, without limitation, the Privacy Rule and Security Rule.

---

<sup>1</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Motion.

3. Under the specific facts of these bankruptcy cases only, the Court FINDS that the State PHI Regulations are preempted by the Bankruptcy Code and that the Consolidated Estate, the Trustee, and estate professionals are not covered by such laws as it relates to the Debtors and the Consolidated Estate;

4. The General Bar Date as established in this Court's Order dated February 7, 2017 (Doc. 983/984) (the "Bar Date Order") is hereby AMENDED from May 19, 2017 to **July 11, 2017**.

5. The forms of the Amended Bar Date Notice Package, the Supplemental Notice, and the manner of providing notice of the Amended General Claims Bar Date proposed in the Motion are APPROVED in all respects pursuant to Bankruptcy Rule 2002. The form and manner of notice of the Amended General Claims Bar Date and Supplemental Notice, attached as **Exhibit A<sup>2</sup> and B** to the Motion, are APPROVED and are deemed to fulfill the notice requirements of the Bankruptcy Code and the Bankruptcy Rules.

6. The Trustee and his professionals are hereby AUTHORIZED to provide to the Noticing Agent (and such other parties as the Trustee deems necessary in furtherance of the claims resolution process) the contact information of Identified Customer Creditors and such other information as the Trustee deems necessary in furtherance of the claims resolution process.

7. The Trustee, through the Noticing agent, is AUTHORIZED and directed to serve and mail the Amended Bar Date Package on the Identified Customer Creditors and serve and mail the Supplemental Notice on the Original Service Parties no later than **April 11, 2017**.

8. The Trustee is not required to publish the Amended Bar Date or mail the Amended Bar Date Package to the Original Service Parties; provided, however, that the Trustee may do so to the extent he deems it prudent and a reasonable expenditure of estate funds.

---

<sup>2</sup> Including the addition of indicating that the Debtors were also known as Advance Lipo Dissolve Centers.

9. The Trustee, the Noticing Agent, and the estate professionals are hereby AUTHORIZED, but not directed, to file the affidavits of service that contain customer creditors' names under seal and pursuant to the procedures established by the Court with respect to submitting documents under seal.

10. Except as modified by this Order, the provisions of the Bar Date Order remain unchanged and are hereby incorporated by reference. Likewise, the provisions of the Disposal Order remain unchanged by this Order.

11. Notwithstanding any Bankruptcy Rule (including, without limitation, Bankruptcy Rule 6004(h)) or Local Rule of the Bankruptcy Court for the Eastern District of Missouri that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

12. The Trustee has represented that proper, timely, adequate and sufficient notice of the Motion has been provided in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the Eastern District of Missouri.

13. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation, implementation and/or enforcement of this Order.

**IT IS SO ORDERED.**

DATED: April 7, 2017  
St. Louis, Missouri 63102  
mtc

  
CHARLES E. RENDLEN, III  
U.S. Bankruptcy Judge

Submitted by:

SPENCER FANE LLP

/s/ Eric L. Johnson

Eric L. Johnson 53131MO

[ejohnson@spencerfane.com](mailto:ejohnson@spencerfane.com)

Andrea M. Chase 66019MO

[achase@spencerfane.com](mailto:achase@spencerfane.com)

1000 Walnut, Suite 1400

Kansas City, MO 64105

Telephone: (816) 474-8100

Fax: (816) 474-3216

ATTORNEYS FOR TRUSTEE